
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wagner College)	File No.: EB-FIELDNER-14-00014572
Former Licensee of Station WPBP446)	
)	NOV No.: V201432380006
Staten Island, New York)	
)	
)	

NOTICE OF VIOLATION

Released: March 24, 2014

By the District Director, New York Office, Northeastern Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Wagner College, licensee of Private Land Mobile Station KA92113 in Staten Island, New York. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On March 12, 2014, in response to a complaint, Agents of the Enforcement Bureau's New York Office inspected the Private Land Mobile Station located at Wagner College in Staten Island, New York, and observed the following violation:

47 C.F.R. § 1.903(a): "Authorization Required - Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provision of this part." The inspection conducted on March 12, 2014 revealed that Wagner College was operating on two unauthorized frequencies—463.9125 MHz and 461.5375 MHz. The license for Station KA92113 authorizes operation on 461.0875 MHz and 466.0875 MHz.³

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ Wagner College previously was authorized to operate on 463.9125 MHz and 461.5375 MHz under the license for Private Land Mobile Station WPBP446, but that license expired on February 2, 2013, and was cancelled on April 8, 2013.

Federal Communications Commission

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Wagner College must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Wagner College to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Wagner College with personal knowledge of the representations provided in Wagner College's response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the Wagner College's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, New York 10014

6. This Notice shall be sent to Wagner College at its address of record.

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Stephen Maguire
District Director
New York District Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).